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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------------|
| 10/519,918 | 01/03/2005 | Gavriel J. Iddan | P-4877-US | 2690 |
| 49443 7590 01/04/2008 PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036 | | | EXAMINER FOREMAN, JONATHAN M | |
| | | | ART UNIT 3736 | PAPER NUMBER |
| | | | MAIL DATE 01/04/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,918

Applicant(s)

IDDAN ET AL.

Examiner

Jonathan ML Foreman

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/07 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 39 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0106849 to Cho et al. in view of U.S. Patent No. 3,939,823 to Kaye et al.

In regard to claims 39 – 47, Cho et al. disclose a swallowable imaging device for collecting in vivo images and in vivo pressure data including a housing having an optical dome (20), a shell; an imaging system (30) enclosed in the housing behind the optical dome; a pressure gauge (100); and a transmitter (50) to transmit in vivo pressure data. The imaging system includes an imager, illumination elements (42, 44) to illuminate an in vivo area and an optical element to focus reflected light onto the imager [0020]. The optical dome is a barrier to body fluids. Cho et al. disclose a pressure sensor but fail to disclose the sensor including a pliant sleeve surrounding the shell, the

pliant sleeve defining a space between the shell and the sleeve, the space being filled with a dielectric liquid; and a pressure gauge immersed in the dielectric liquid. Kaye et al. disclose a device for collecting in vivo pressure data including a pliant sleeve surrounding a shell, the pliant sleeve defining a space between the shell and the sleeve, the space being filled with a dielectric liquid; and a pressure gauge immersed in the dielectric liquid (Col. 2, lines 47 – 65). The pressure gauge is attached to the shell and to the sleeve via the shell. The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Because both Cho et al. and Kay et al. teach in vivo pressure measuring devices, it would have been obvious to one skilled in the art at the time of the invention to substitute one pressure measuring sensor for the other to achieve the predictable results of obtaining better pressure measurements within internal body cavities (Col. 1, lines 46 – 48).

4. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0106849 to Cho et al. in view of U.S. Patent No. 3,939,823 to Kaye et al.

In regard to claim 38, Cho et al. disclose a method for collecting and displaying in vivo data from a GI tract including measuring the GI tract hydrostatic pressure [0018]; collecting image data by a swallowable imaging device to produce an image of the GI tract and displaying the image. Cho et al. disclose simultaneously transmitting and displaying image data and pressure data [0023]. Cho et al. fails to disclose measuring the hydrostatic pressure in a pliant sleeve filled with fluid surrounding the shell of the imaging device. Kaye et al. disclose measuring hydrostatic pressure in a pliant sleeve surrounding the shell of the device (Col. 2, lines 47 – 65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shell of the

swallowable imaging device as taught by Cho et al. to include a pliant sleeve from which to measure the hydrostatic pressure as taught by Kaye et al. in order to obtain better pressure measurements within internal body cavities (Col. 1, lines 46 – 48).

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan ML Foreman whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JMLF

